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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 LAMAR KILES, *et al.*,

9 Plaintiffs,

10 v.

11 CITY OF NORTH LAS VEGAS, *et al.*,

12 Defendants.
13

Case No. 2:03-CV-01246-KJD-PAL

ORDER

14 Presently before the Court is Dermot Givens' Ex Parte Petition to Compel Full Distribution
15 of the Settlement Funds and Opposition to the Stipulation and Order for Dismissal With Prejudice
16 (#70) filed March 8, 2010. That same day, the Clerk of the Court entered the signed Stipulation and
17 Order for Dismissal with Prejudice (#71) which had been signed by the Court on March 4, 2010.
18 Accordingly, the Court denies Givens' Ex Parte Motion (#70) as moot.

19 Also before the Court is Givens' Ex Parte Motion to Reconsider the Stipulation and Order to
20 Dismiss (#73/74/75/76). Counsel Brent Bryson filed an Objection (#76) to which Givens Responded
21 (#77). Bryson also filed a response in opposition (#80).

22 Also before the Court are Bryson's Motion for Rule 11 Sanctions (#81) and Motion to Strike
23 Documents (#82). Givens filed a response in opposition (#83/84) to which Bryson replied (#85).

24 Also before the Court is Arthur J. Williams' Motion to Withdraw as Resident Attorney and
25 Consent for Pro Hac Vice Counsel for Dermot Givens (#78). Givens filed a response in opposition
26 (#79). Having read and considered Williams' Motion (#78), it is granted.

1 On March 1, 2010, before any of the present motions were filed, Brent Bryson and E. Brent
2 Bryson, Ltd. filed an action in state court seeking declaratory relief and asserting claims for breach of
3 contract and breach of the covenant of good faith and fair dealing. Though Bryson now seeks Rule
4 11 sanctions against Givens, in addition to opposing Givens' motions, it is clear that this dispute is
5 clearly a contract action concerning the amount of fees due each attorney connected to this action.
6 The Court finds that those issues are best resolved in Nevada state court which has jurisdiction over
7 the contractual issues involved in this case which are not related to the underlying section 1983
8 issues which were raised in this federal proceeding. Accordingly, the Court must deny Givens'
9 motion for reconsideration¹ and Bryson's motion for Rule 11 sanctions.

10 Accordingly, **IT IS HEREBY ORDERED** that Givens' Ex Parte Motion to Reconsider the
11 Stipulation and Order to Dismiss (#73/74/75/76) is **DENIED**;

12 **IT IS FURTHER ORDERED** that Bryson's Motion for Rule 11 Sanctions (#81) and
13 Motion to Strike Documents (#82) are **DENIED**;

14 **IT IS FURTHER ORDERED** that Givens' Ex Parte Petition to Compel Full Distribution of
15 the Settlement Funds and Opposition to the Stipulation and Order for Dismissal With Prejudice (#70)
16 is **DENIED as moot**;

17 **IT IS FURTHER ORDERED** that Arthur J. Williams' Motion to Withdraw as Resident
18 Attorney and Consent for Pro Hac Vice Counsel for Dermot Givens (#78) is **GRANTED**.

19 DATED this 9th day of February 2011.
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23 _____
24 Kent J. Dawson
25 United States District Judge

26 ¹It appears the issues that concerned Givens have been resolved, other than his fees.